



February 9, 1999

Ms. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main, Room 501
Dallas, Texas 75201

OR99-0391

Dear Ms. Middlebrooks:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122097.

The City of Dallas police Department received a request for "IAD cover sheets for all officers terminated since July 1, 1993." You seek to withhold portions of the requested information under sections 552.101, 552.108, and 552.117 of the Government Code.

Section 552.108(b) of the Government Code, in pertinent part, excepts from required public disclosure:

[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if:

- (1) release of the internal record or notation would interfere with law enforcement or prosecution;
- (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication[.]

You contend that "[s]pecific identifiers of civilian witnesses such as their names, addresses, and telephone numbers are protected from disclosure by section 552.108 . . . because [they] qualif[y] as internal information held by a law enforcement agency for internal use in matters related to law enforcement or prosecution." In our opinion, you have not sufficiently demonstrated, with respect to the particular witness-identifying information at issue here, that its release would interfere with law enforcement or that the material is otherwise protected by section 552.108.

Section 552.101 protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information coming within the

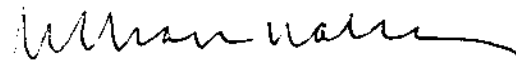
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common-law right to privacy. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Id.* at 683-85. We have marked information which we believe is protected by common law privacy and must thus be withheld.

Section 552.117(2) requires withholding a peace officer's home address, home telephone number, social security number, and family information. Sections 552.024 and 552.117(1) provide that a non-peace officer public employee or official can opt to keep private such information. You indicate that the submitted records contain the home address and home telephone number of a current city employee. If the employee in question is a peace officer, you must withhold the address and telephone number under section 552.117(2). If the employee is not a peace officer, you must withhold such information if, at the time of the request, the employee had opted under section 552.024 to keep such information confidential. Open Records Decision Nos. 530 (1989), 482 (1987), 455 (1987). Except as noted above, you must release the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref:: ID# 122097

Enclosures: Submitted documents

cc: Mr. Jason Sickles
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)